



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

JUL 25 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Non-responsive based on revised scope

Non-responsive
L. P. Bailey Memorial Highway
Nathalie, VA 24577

**RE: Required Submission of Information for Shiloh Church Road Site, Nathalie,
Halifax County, Virginia**

Dear Mrs. Non-responsive:

The U. S. Environmental Protection Agency ("EPA") is seeking information concerning the release, or threat of release, of hazardous substances, pollutants or contaminants into the environment at the Shiloh Church Road Site ("Site") located near the intersection of L. P. Bailey Memorial Highway and Shiloh Church Road in Nathalie, VA. The Site includes portions of one or more land areas in Halifax County identified by three Parcel Identification Numbers of Non-responsive Non-responsive based on revised scope L. P. Bailey Memorial Highway), and Non-responsive based on revised scope L.P. Bailey Memorial Highway) owned by you. EPA is working with state and local officials to address various issues related to this Site including the removal of numerous battery casings from these parcels at the Site.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e), EPA has the authority to require you to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your employees, agents and/or assigns, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), pollutants and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. § 9601(33), which were transported to, stored, treated, or disposed of at the above-referenced Site. The specific information required is attached to this letter as **Enclosure E**. Further directions regarding your response to this letter can be found in Enclosures A, B, C, and D.

Please respond in writing to this required submission of information within **sixty (60)** calendar days of your receipt of this letter.

If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

All documents and information should be sent to:

Ms. Ruth Knapp (3SD41)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Or via e-mail to knapp.ruth@epa.gov. Subject Line: Shiloh Church Road Site

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et. seq.

Thank you for your attention to this matter. If you have any questions concerning the requested information or need additional time to provide your response, please don't hesitate to contact Ms. Knapp at (215) 814-2191. Should you be represented by an attorney, please have your attorney contact Senior Assistant Regional Counsel, Joan A. Johnson, of EPA's Office of Regional Counsel, at (215) 814-2619.

Sincerely,



Joanne Marinelli, Chief
Cost Recovery Section

- Enclosures: A. Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees
B. List of Contractors That May Review Your Response
C. Definitions
D. Instructions
E. Information Requested

cc:

Non-responsive based on revised scope

Joan Johnson, Esq. (3RC10)
Christine Wagner OSC (3SD32)
Ruth Knapp (3SD41)
Sondra Allen (3SD42)
Chris M. Evans (VADEQ)

Enclosure A

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the matter described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, then EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (See Enclosure B) to review the documentation, including documents that you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to an Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. § 9604(e)(7), and EPA's regulations at 40 C.F.R. § 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure B, you must notify EPA in writing at the time you submit such documents.

[rev. 8/2018]

Enclosure B

List of Contractors That May Review Your Response

CONTRACTOR NAME	CONTRACT #	SUBCONTRACTOR
Arctic Slope Management Services	EP-W-17-011	Booz-Allen and Hamilton
CDM-Federal Programs Corporation	EP-S3-07-06	CDI-Infrastructure, LLC d/b/a L.R., Kimball, Avatar Environmental LLC, Terradon Corporation
Cherokee Nation Assurance, LLC	EP-S3-14-01	
EA Engineering, Science and Technology, Inc.	EP-S3-07-07	URS
Eisenstein Malanchuck, LLP	EP-W-13-006	R.M. Fields International, LLC
Hydrogeologic(HGL)	EP-S3-07-05	CH2MHill
Weston Solutions	EP-S3-1502	
Tech Law, Inc. (Removal Program)	EP-S3-1503	
Tetra Tech NUS, Inc.	EP-S3-07-04	
Guardian Environmental Services Company, Inc.	EP-S3-12-02	Aerotek, Inc. Tetra Tech Inc.
Environmental Restoration, LLC	EP-S3-12-03	Aerotek, Inc. Hass Environmental, Inc. Hertz
Northstar Federal Services, Inc.	EP-S3-12-05	
ICF International	EP-S3-12-W-0003	

Cooperative Agreements:

National Association of Hispanic Elderly CA# CQ-835398

National Older Workers Career Center CA# Q-835621

Enclosure C

Definitions

1. The term “arrangement” shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
2. The term “documents” shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
3. The term “hazardous substance” means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 of the U.S. Code, (b) any element, compound, mixture, solution, or substance designated pursuant to Section 9602 of CERCLA, (c) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (42 U.S.C. § 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq., has been suspended by Act of Congress), (d) any toxic pollutant listed under Section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act, 42 U.S.C. § 7412, and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to Section 2606 of Title 15 of the U.S. Code. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

4. The term “pollutant or contaminant” shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term “pollutant or contaminant” shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).
5. The term “release” means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, 42 U.S.C. § 2011 et seq., if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act, 42 U.S.C. § 2210, or, for the purposes of Section 9604 of CERCLA or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under 42 U.S.C. §§ 7912(a)(1) and 7942(a) and (d) the normal application of fertilizer.
6. The term “waste” or “wastes” shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
7. The term “you” when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity’s behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity’s behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

Enclosure D

Instructions

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure A, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate by the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure C, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure C. Those terms shall have the meaning set forth in Enclosure C any time such terms are used in this Information Request and/or its Enclosures.

Enclosure E

Information Required

The following questions concern the property you own at the Site, i.e., parcel numbers: non-response
Non-responsive based on revised scope and Non-responsive based on revised scope, (collectively, the "Property").

1. During the time you have owned the Property, are you aware of battery casings or similar materials having been placed on the Property by anyone? If yes, please provide the following information to the best of your ability.
 - a. Please identify what kind of materials were placed on the Property; who placed them there; and how and when you became aware they had been placed on the Property.
 - b. Please provide the dates or time frames during which the materials were placed on the Property and when any activity was done with the materials (such as cleaning, recycling or some kind of processing).
 - c. Please identify the specific location(s), i.e. parcel numbers or address(es) where the materials were placed and where any processing of the materials took place (include copies of any maps, pictures, etc. which may support your response).
 - d. Please indicate whether any of the materials/portions of the materials or wastes/residues from processing were removed from the Property and sent to other locations. Identify the location(s) where the materials/wastes etc. were sent.
 - e. Identify all individuals or businesses which may have brought battery casings or similar materials to the Property; provide the name and contact information of each such individual or entity and briefly describe their involvement with the materials/activity on the Property.
 - f. Identify anyone else not previously identified whom you believe may have personal knowledge of the materials or activity at the Property. Explain why you believe they may have this information and provide their name, current address, and telephone number.
2. Identify any property, pollution and/or casualty liability insurance policies that pertain to the Property and/or any activity/operation identified in response to Question 1 above. Provide complete copies of the relevant insurance policies or provide the following information about each policy: name and address of the insurer and the insured, amount of coverage under the policy, the commencement and expiration dates for the policy, and indicate whether or not the policy contains a "pollution exclusion" clause.
3. Indicate whether you currently have any documents, relating to the materials or activities in response to Question 1, above.